

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Hall, Carol,

Plaintiff,

vs.

Old Republic National Title Insurance,

Defendant.

Civil Action No. 3:22-331-CMC

ORDER

This matter is before the court on Plaintiffs' *pro se* Complaint. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation ("Report"). On February 14, 2022, the Magistrate Judge entered an order directing Plaintiff to bring this case into proper form for issuance and service of process and an order regarding amendment of complaint. ECF Nos. 5, 6. Plaintiff was specifically warned her failure to comply would subject her case to dismissal. Plaintiff did not respond.

On April 14, 2022, the Magistrate Judge issued a Report recommending the Complaint be summarily dismissed without prejudice and without issuance and service of process for failure to prosecute and failure to comply with a court order. ECF No. 11. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. The court has received no objections and the time for filing has expired. However, the court did receive a proposed Summons, with a cover letter noting Plaintiff had previously completed the form and submitted it to the Clerk's office, and to "see file for address information, etc." ECF No. 14.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff’s submission, the court agrees with the conclusions of the Magistrate Judge. Although Plaintiff has shown some intention to prosecute her case, and therefore it will not be dismissed for failure to prosecute, Plaintiff has failed to bring her case into proper form as ordered by the court. Her proposed summons is deficient, as it does not contain information sufficient to effect service upon the proposed Defendant. In addition, Plaintiff was also notified her Complaint was subject to summary dismissal, yet failed to file an amended complaint to cure the deficiencies as explained in the Magistrate Judge’s Order regarding amendment of complaint. *See* ECF No. 6. As noted by the Magistrate Judge, Plaintiff has failed to provide a statement for establishing the court’s jurisdiction, a statement of the claim showing

she is entitled to relief, and a demand for relief. Plaintiff was specifically warned this action would be recommended for dismissal if she failed to file an amended complaint addressing these deficiencies yet failed to do so.

Accordingly, the court adopts and incorporates the Report and Recommendation by reference as supplemented in this Order. Plaintiff's Complaint is hereby summarily dismissed without prejudice and without issuance and service of process for failure to follow a court order.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 12, 2022